

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 349 OF 2019**

|                                 |     |             |
|---------------------------------|-----|-------------|
| Mrs.Afroz Mazar Khan & Ors.     | ... | Applicants  |
| V/s.                            |     |             |
| The State of Maharashtra & Anr. | ... | Respondents |

- Ms.Ratna R. Jaiswal for the Applicants.
- Mrs.G.P. Mulekar, APP for the Respondents-State.

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 26<sup>th</sup> FEBRUARY, 2019.**

**P.C. :**

1] This is an application for anticipatory bail in connection with C.R.No.44 of 2019, registered with Dindoshi Police Station, Mumbai, for the offence punishable under Section 380 read with 34 of Indian Penal Code ("IPC", for short). First Information Report ("FIR", for short) was registered on 23rd January, 2019. The case of the complainant is that the ornaments belonging to her were kept in the custody of bank locker standing in the name of applicant no.1. On the date of incident, she had visited the house of the accused for withdrawing the golden ornaments from the bank locker. The complainant and applicant no.1 then withdrawn the gold ornaments from the bank locker, and, thereafter, the complainant had visited the

house of the complainant. In between, applicant no.1 and complaint had proceeded to the adjacent premises for praying Namaz. In the evening the complainant and the mother of applicant no.1 left the house. The gold ornaments were allegedly kept in pouch and the said pouch was kept in the purse. The complainant then verified the pouch containing the ornaments, and, it was noticed that the said ornaments were missing. The said fact was informed to the applicants. On the next day complaint was lodged with the police. The case of the applicants is that applicant no.1 had accompanied the complainant for lodging the complaint. Applicant no.2 is the mother of applicant no.1 and applicant no.3 is her brother. Complainant suspects that the applicants are involved in committing theft of the gold ornaments.

2]           The Applicants were directed to attend the Police Station vide order dated 8<sup>th</sup> February, 2019. The Applicants have complied the said direction. Learned APP, however, submits that the Applicants have not co-operated with the investigation and there is no recovery of ornaments.

3]           The Complainant left the house of Applicants, travelled by train, while returning to her house realized that the pouch containing gold was missing. The Applicants are suspected to be involved in theft.

In the facts and circumstances as above, no case for custodial interrogation is made out. Hence, the interim order dated 8<sup>th</sup> February, 2019 is required to be confirmed.

4] Hence, following order.

- (i) In the event of arrest of the applicants in connection with C.R.No.44 of 2019, registered with Dindoshi Police Station, Mumbai, the Applicants be released on bail on their furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or more sureties in the like amount;
- (ii) The Applicants shall report the Investigating Officer as and when called for till filing of charge-sheet.
- (iii) The Application is disposed of.

**[PRAKASH D. NAIK, J.]**